

ORIGINAL

In the United States District Court for the Northern District of Texas
Dallas Division

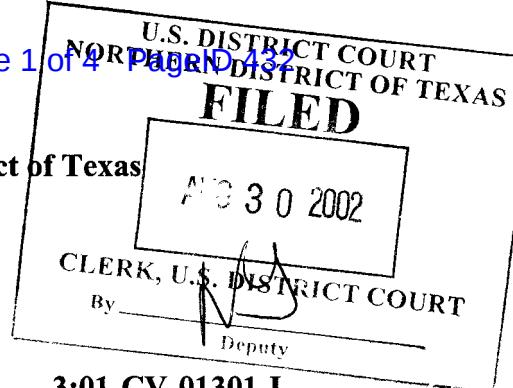
(USA and)
Jamal Elhaj-Chehade
Co- plaintiff

Vs.

Educational Commission for Foreign Medical Graduates
Et al entities and individuals) Defendants

Plaintiff's response to the judges orders and judgment
Plaintiff's motion for vacate the orders/ judgment (relief)
Plaintiff's motion for the removal of judges

August 30, 2002



3:01-CV-01301-L

Comes now on this date August 30, 2002 the plaintiff is filing his motions to vacate the orders/judgment with the removal of judge and the plaintiff offers the following:

- 1- pursuant to 28 USCA,, FRCP rules 12 and 12e, 55, 60, 56 and any other rules and statutes, the plaintiff is filing his motion to vacate(relief) from judgment on the ground that judgment is null and void ,ab initio, and lack validity(FRCP 12-e)
- 2- the plaintiff motion is **not discretionary** FRCP 12-e(it is not up to the court to decide)
- 3- the plaintiff, having raised previously the issues of ex-parte communication between the defendants and the court, demanded that **NO court order** or judgment be issued **without the hearing** in the court room in **which both** the plaintiff and the defendants be present. This would help the clarification over any issue, therefore the court orders and judgment are void and lack validity due to ex parte communication and improperly issued, and the plaintiff is asking the judges to move away from this case along with their invalid orders
- 4- On April 11, 2002 at 1:03 PM , the defendants attorney Mr Moscowitz admitted arrogantly to the existence of ex parte communication, and the courts behaviors are self-explanatory and the plaintiff rejects/denies firmly all the content of the judges orders and judgment .
- 5- The plaintiff did not fail in anything and the judges rely on fraud and malice
- 6- The plaintiff will not appeal this judgment or orders because they are invalid on various grounds in order to reduce the cost of litigation- FRCP rules-
- 7-
- 8- The plaintiff also will implement the rules of reducing the corruption in justice system by eliminating the chances for briberi on appeal.
- 9- The judges orders were deliberately done to increase the cost of litigation and allow room for other judges to be bribed on appeal. Pattern in the conduct of USCA5 and its subsidiaries.
- 10- The defendants do have a duty to identify the plaintiff needs/and meet them. The plaintiff demanded a legal representation as being a part of these needs

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- 11- The judges orders and judgment not only are void/null.. but also are unconstitutional on various ground.
- 12- The judges orders/judgment are IRRESPONSIBLE and desperate acts to test the resolves and determination of the plaintiff and that the plaintiff is asking all parties to stop testing the water because they will get burned in hell, it is like jumping in front of the train and later on to complain of missing limbs instead of being thankful alive. Who play with fire will get burned. And this will end. The plaintiff demanded a judgment done by a jury and not by black robe(the plaintiff is yet to encounter a black robe that deserves respect).
- 13- The court orders/judgment is yet a **deja vue** phenomena seen in the previous proceedings . the plaintiff now knows the game that courts are not for justice, but they are charade, scam, and hoax to make opportunities for judges and lawyers to rip off people. The plaintiff now realized that the best justice is the Jewish justice :an eye for an eye.
- 14- The plaintiff demanded a conference between the parties and in front of the judges. However, judges and lawyers are interested about their pockets.
- 15- By now the plaintiff knows that courts are not for justice and for constitution and for principles or laws rather for **paper chase** to increase the lousy earning of lawyers and judges. And to allow for more profit/ briberi through referral among judges- every party want a bite of the spoil.
- 16- The judgment was done before the pretrial conference scheduled on August 29, 2002 in which the plaintiff would have answered any question about the case and in which the plaintiff would have asked the judge to consider the plaintiff request to have a legal representation(now on appeal after the denial order by judge Stickney). Because the plaintiff needs cannot be done properly unless they are done in **order of priority**- and legal needs take precedence that must be met by the defendants.—a severely bleeding man needs his bleeding to stop before buying a VCR.
- 17- The judge did have the choice/option to wait for the result of the conference or to at least recluse himself with dignity from the case.
- 18- **Magistrate judge Stickney denied the plaintiff request to appoint a counsel** claiming that the case is simple and evidence are self explanatory against the defendants and for these reasons that no need for a counsel on behalf of the plaintiff(read judge Stickney order). However, judge Lindsay **decided** not to see anything illegal by the defendants behavior in the worst phenomena. Which proves that court is under the influence. And that they are afraid from the plaintiff success that gives room for a class action. These are the true facts.
- 19- The argument of the judge further stated that **no injunction** which is another way of saying that it is OK for the defendants to violate the law **now** since you did it

also 20 years ago. This argument also would give the plaintiff the OK to get even now or in the future because the plaintiff got even with some people 20 years ago.

- 20- With the current justice system, the plaintiff will not be surprised to see one day the Colombian phenomena occurring in our streets. Judges and lawyers are human and vulnerable too.
- 21- The plaintiff asserts that the judge order/judgment are desperate attempts to improve and strengthen the image of the defendants faced with the evidence the plaintiff submitted. But the plaintiff also want a strong defendants who are acting within the laws(defendants must do what they are supposed to do and stop doing what they are not supposed to do).
- 22- The plaintiff is asking all the parties not to indulge and push the envelops too far, because the matter is extremely volatile and it will burn everyone—it is unconceivable.
- 23- The court orders and judgment are forming a pattern, and they are influence by the missing millions of dollars from the vault of the defendants.
- 24- The court orders and judgment constitute a RERUN of the old cases. And that this case was not about how many times the plaintiff took the defendants examination, but judge Lindsay and the defendants reargue this case as if it is Jane Boyle case.
- 25- Further evidence of ex parte communication exist when the plaintiff met Barry Moscowitz on September 4, 2001 at the request of the court. The plaintiff clearly stated that he intend to move his proceedings to another district an the plaintiff attempted to transfer the case, but the defendants attorneys and the judges became so attached to the case and they will not let loose- everybody wants a bite of the spoil.
- 26- The plaintiff contacted the defendants attorney Mark Roberts on August 29, 2002 telling him that the order/judgment is void, invalid under various reasons and that the plaintiff will not appeal a void, invalid order. Furthermore, the plaintiff told Mark Roberts that the plaintiff **recently became a U.S. Citizen** and soon he will accomplish a significant numbers of undergraduate work college in the USA. And that the plaintiff by becoming a US Citizen and doing undergraduate work(recent) in the US become **of different status** that would entitles the plaintiff to be eligible to programs and policies by the defendants similar to those of his former classmates.¹ Therefore, the plaintiff's needs will change and the defendants will be asked to identify them and meet them(will become a new cause of action if necessary) accordingly.

¹ Plaintiff's former classmate, US Citizen, were eligible to certain programs(Fifth pathways, COTRANS) and others and they are practicing now in the US.

27- any relief that does not meet the plaintiff's needs will be rejected---. What kind of reliefs the judges and lawyers would they get if an organization/ or a party caused them injuries equal to those of the plaintiffs:--- the answer is: equal to what the plaintiff will get. A simple math equation and the judges and lawyers must bear this in mind and watch for their actions carefully, because one day they would be the victims too. And that the plaintiff will wipe his donkey with any order/judgment that violate the laws and constitution and not conducted as requested.

28- Wherefore premises considered, the plaintiff prays that new judges be assigned to this case and that judge Lindsay and his magistrate take away their invalid orders and judgment with them, and that any order or judgment not done in the presence of all parties in the court room and in which the jury is involved will be considered as a set up and ex parte communication. And that any final judgment be done as requested by the plaintiff and before a jury.

Certificate of service and conference: This is to certify that a true copy of the foregoing was sent via airmail and e-mail to the defendants attorney Mark Robert at his address of record at 6688 N Central expressway# 850, Dallas, Texas 75206-3913. In addition all the plaintiff statements or exhibits or attachments are true under the penalty of perjury.

Respectfully submitted to the prospective judge

Dr Jamal Elhaj_ chehade Pro-se (tentatively until his needs are identified and met before trial)
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